

Remarks:

Election/Restriction:

Applicants note that the restriction in a paper dated 02/14/2008 has been made final and that claims 1 - 5, 10 and 14 are withdrawn from consideration pursuant to 37 CFR 1.142(b). In this response applicants have identified claims 1 - 5, 10 and 14 as withdrawn. With respect to claims 1 - 5, 10 and 14, applicants suggest that upon agreement as to allowable claims, that the Examiner shall cancel such claims by Examiner's amendment.

Applicants reserve the right to pursue claims directed to all withdrawn subject matter in future continuation or divisional applications.

IDS:

With respect to the IDS filed July 13, 2006, Applicants note the Examiner's comments and appreciate the Examiner's guidance. The Examiner mentions WO 01/033330 A2 not in the English language. Applicants respectfully point out that the aforementioned WO publication was not mentioned on the IDS and understand that the Examiner intended to refer to WO 03013530. Applicants identified the reference as "Abstract only" and had no knowledge about the content other than what was in the abstract.

Applicants have now identified US Patent Publication US 2004/0224969 A1 as an English-language counterpart of WO 03013530 and present this in a supplemental IDS submitted herewith. Any fees necessary that the accompanying IDS be properly submitted are to be charged to Deposit Account 260166.

Claim Rejection - 35 U.S.C. § 112:

Claim 8 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

Applicants respectfully traverse the rejection and suggest that since the moiety X is only found in compounds of formula II, those of skill in the art would understand that although the claim is directed to compounds of formula I or formula II, the definition of X would only have relevance when considering a compound of formula II. Accordingly, one of skill in the art reading the claim would have no doubt when to look to the definition of X when construing the scope of the claim.

Notwithstanding the foregoing, Applicants have amended claim 8 to clearly define that the definition of X relates to compounds of formula II.

Claim Rejection - 35 U.S.C. § 102:

Claims 7, 9, and 11-13 are rejected as anticipated by 4-(4-fluorophenyl)-3a,4,5,9b-tetrahydro-3*H*-cyclopenta[*c*]quinoline-8-sulfonamide in AsinEx Express Gold Collection catalogue, citation XP-02291223. The Examiner states that the compound reads on the limitation of claims 7, 9, and 11-13 of formula I where the aryl group is phenyl substituted with the halogen fluorine and R1 is SO₂NH₂. Applicants understand the Examiner to mean that the claims read on the compound when the aforementioned limitations apply.

Applicants have amended claims 7, 8 11 and 13 to expressly exclude 4-(4-fluorophenyl)-3a,4,5,9b-tetrahydro-3*H*-cyclopenta[*c*]quinoline-8-sulfonamide from the scope of each claim. Applicants note that literal support for the excluded compound is found in the application and claims as filed and thus that there is basis in the original disclosure for the subject matter of the exclusionary proviso. Applicants further point out that the limited genus of each of the amended claims is supported by the application as filed and by the specific examples. In respect to dependent claims 8 and 12 applicants note that they necessarily include all limitation of the claims from which they depend and thus that no express exclusion of the aforementioned compound is required.

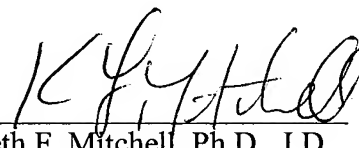
Conclusion:

Amendments requested herein introduce no new subject matter or any matter not supported by the application as filed.

In view of the amendments and response presented herein Applicants respectfully solicit withdrawal of all rejections and prompt issuance of a Notice of Allowance.

Respectfully submitted,

Dated: August 20 2008

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